

ASSEMBLY INSURANCE COMMITTEE
JOSE SOLORIO
LEGISLATIVE OFFICE BUILDING (LOB), ROOM 369

COMMITTEE RULES
2011-2012 Regular Session

The Committee will operate under the Joint Rules and the Standing Rules of the Assembly.

Committee hearings are regularly scheduled for every first and third Wednesday of the Legislative calendar, commencing at 9:00 a.m., in Room 437 of the State Capitol. Seven (7) members of the Committee shall constitute a quorum.

BACKGROUND/WORKSHEET

1. When a bill is referred to the committee, the committee secretary shall immediately forward to the author a background/worksheet to be completed for the preparation of the committee analysis. The chair may withhold setting the bill for hearing until the worksheet is completed and returned to the committee. To allow adequate time for committee staff to analyze the bill, all committee worksheets shall be returned to the committee no later than five (5) legislative days after delivery to the author's office. (House Rule 6)

SETTING BILLS

2. (a) Initial Referral to Committee: No bill may be set until it has been referred to the committee. (House Rule 56)

(b) "30-day Print": No bill may be heard or acted upon until it has been in print for 30 days. This requirement may be suspended concurrently with the suspension of Section 8 of Article IV of the Constitution, or if this period has expired, approval of the Rules Committee and two-thirds (2/3) vote of the house may suspend this rule. (Joint Rule 55)

(c) Notice: A bill being heard in the committee of the first reference in the Assembly must be noticed in the file for four (4) days prior to a hearing. This requirement can be waived by a majority vote of the House. The file notice requirement for other bills is two days prior to the hearing. (Joint Rule 62(a))

(d) Three-sets: A bill may be "set" for a hearing in committee only three times. A bill is considered "set" when it appears in the file for one or more days. If the committee postpones the hearing on the bill, such action does not count as a "set". If the file indicates "testimony only," the hearing does not count as a "set". This requirement

may be suspended with the approval of the Rules Committee and a two-thirds (2/3) vote of the House. (Joint Rule 62(a))

e) Setting of Bills by Subject Matter: Bills shall be placed on the committee calendar at the discretion of the chair. When more than one bill before the committee deals with like subject matter, the chair may schedule such bills on the basis of like subject matter groupings for a hearing. (House Rule 56)

COMMITTEE ANALYSIS

3. A committee analysis is required for every bill. Analyses shall be available to the public at least one working day prior to the hearing. (A "working day" is defined as a day on which the Assembly file is published.) In the case of special meetings, analyses shall be available to the public at least at the beginning of the hearing. (House Rule 56.5)

ORDER OF AGENDA

4. (a) Bills set for hearing shall be heard in the order of member "sign in."
- (b) Bills of the committee members shall be taken up after all other authors present have taken up their measurers.
- (c) The consent calendar may be taken up as determined by the chair.
- (d) When the chair finds another order of business would be more expedient, measures may be taken up out of order or set as a special order of business.
- (e) If a bill is to be presented by someone other than the author, it will be taken up at the end of the grouping of like subject matter bills after all authors (including those temporarily "passed over" and committee members) have been accommodated. Anyone other than the author who is to present the bill must have an "authorization" letter from the author, and must be a member of the author's staff.

COMMITTEE CONSENT CALENDAR

5. (a) The committee chair may, prior to a hearing, propose to recommend bills for consideration on the consent calendar.
- (b) Any member of the committee may request that a bill be removed from the consent calendar. Upon such request, the chair shall remove the bill from the consent calendar and place the bill on the regular agenda.

AMENDING BILLS

6. (a) Sending Amendments to Counsel: At the time amendments are submitted to Legislative Counsel, the author's office shall provide a copy to the committee.

(b) Amendments Back from Counsel: Author's amendments in "counsel form" shall be submitted to the committee at least seven (7) legislative days prior to the hearing to allow adequate time for the committee staff to analyze the bill again.

When substantive amendments are submitted within seven (7) legislative days of a scheduled hearing which require the bill to be analyzed again, the bill shall be held over until the next hearing, unless this requirement is waived by the committee chair. The committee chair shall determine whether an amendment is substantive.

(c) Author's Amendment Offered in Committee: A member may offer author's amendments at the hearing. If the amendments are substantive, the chair may put the bill over until the next hearing to allow adequate time for the staff to reanalyze the bill. The committee chair shall determine whether an amendment is substantive.

(House Rule 68)

(d) Urgency clauses: A bill may not be amended to add an urgency clause unless the author of the amendment has secured the approval of the Rules Committee.

(Joint Rule 58)

Adoption of urgency clause amendments require a vote by the committee and cannot be done through "author's amendments" prior to the committee hearing.

(e) Germaneness: A substitute or amendment must relate to the same subject as the original bill, constitutional amendment, or resolution.

(Joint Rule 9)

(f) Co-authors: An amendment which has the sole effect of adding an author or co-author may be not made unless the Rules Committee grants prior approval.

(Joint Rule 9)

MEETINGS

7. (a) Open Meetings: All committee hearings, except for an authorized closed session, shall be open and public, and all persons shall be allowed to attend the meetings.

(House Rule 11.3)

(b) Time and Place: The committee shall meet at its regularly scheduled time, unless otherwise permitted by the Assembly.

(House Rule 56)

A committee may not act on a bill at a hearing held outside of Sacramento.

(Joint Rule 60(a))

(c) Special Meeting: A special meeting shall be held in an area "readily accessible to the public" and not in the Assembly Chamber. (House Rule 56)

(d) When appropriate, the chair may limit individual witness testimony and limit the number of witnesses for or against a bill. The chairman may, in a manner equitable to both supporters and opponents limit: a) duplicative testimony on a bill; b) the number of witnesses appearing in support or opposition to a bill; and c) the time allotted to authors and witnesses testifying in support or opposition to a bill. The chairman may announce restrictions on testimony at the outset of the committee hearing. (House Rule 55)

(e) If at a hearing commenced by the chair, the chair is absent or otherwise is presenting a bill to the committee, the vice chair shall preside.

VOTING

8. (a) Quorum: A majority (6) of the entire committee (10 members) constitutes a quorum. A quorum is necessary to take action or to adopt amendments. (House Rule 57, Joint Rule 62(c))

If a member is disqualified from voting because of a conflict of interest, there shall be no change in the "quorum requirements" or the number of affirmative votes required to report a bill out of committee. (House Rule 57)

(b) Voting on Bills: Voting on bills shall be by roll call vote which shall show "for", "against", "members absent", and "members not voting". (House Rule 58.5)

(c) Voting on Amendments: A quorum is required to be present for there to be a vote on amendments. A roll call vote is required to adopt amendments in committee. Amendments are approved by a majority of those present and voting. (House Rules 57 and 67)

(d) Amended Bills in Print: When a bill is amended and the amended version is not in print, the committee may act on the bill only if the sole effect of the amendment is to add co-authors or if the committee determines that the effect of the amendment can be readily understood by the committee and audience. (House Rule 68.5)

(e) Substitution of Prior Roll Call: The committee may, upon unanimous consent of the members present, substitute a prior roll call, provided that the members whose votes are substituted are present at the time of the substitution.

(Joint Rule 62(c))

(f) Call of the Committee: The chair may, at anytime, order a call of the committee. If requested by any member of the committee or the author of the bill under consideration, the chair shall order a call. In the absence of a quorum, a majority of the members present may order a quorum call and compel the attendance of absentees.

A quorum call or call of the committee may be dispensed with by the chair without objection by any member of the committee, or by a majority of the members present.

If a motion to adjourn is adopted while the committee is under call, the call shall be dispensed with and any pending vote announced.

(Joint Rule 62(d))

(g) Keeping the Roll Open: The roll shall be kept open at the request of an author or any member of the committee until adjournment of the committee hearing.

(House Rule 58.5)

(h) A Second to a Motion: A motion shall require a second.

(i) A "Without Objection" Motion by the Chair: A second is not required where the chair makes a motion that begins with the words "without objection". If any member objects, the motion is automatically withdrawn.

RECONSIDERATION

9. (a) Reconsideration may be granted only one time. (Joint Rule 62(a))

(b) A motion to reconsider can be made only under the following circumstances:

(1) At the same meeting at which the bill is defeated and author is present; or

(2) Within 15 legislative days of the meeting at which the bill was defeated or prior to the interim study joint recess, whichever occurs first, in which case the same file notice is required as for setting a bill.

(Joint Rule 62(a))

Authors seeking reconsideration under this subsection shall notify the committee secretary in writing in order that notice of reconsideration may be published in the file.

(c) Vote Required for Reconsideration: A majority vote of the committee is required to grant reconsideration. A roll call is necessary. These requirements may be suspended with the approval of the Rules Committee and two-thirds (2/3) vote of the House. (House Rule 57.1 and Joint 62(a) and 62(c))

CONSENT CALENDAR RECOMMENDATION

10. The committee may recommend that an uncontested bill be placed on the consent calendar of the Assembly Floor or of a subsequent committee if:

- (a) The bill was approved by unanimous vote of the members present, provided a quorum is present;
- (b) No opposition was expressed by any person at the hearing with respect to the bill as finally approved by the committee, and;
- (c) The author, prior to final action by the committee, requested that the bill be placed on consent.

A bill may not be recommended for the consent calendar if (1) the bill is a revenue measure, or (2) the 30-day print rule or any provision of the Constitution has been waived. (Joint Rule 22.1)

INTERIM STUDY RECOMMENDATION

11. The committee may refer the subject matter of any bill not given a do pass recommendation to the Rules Committee for interim study. The committee may, however, subsequently reconsider and act on the bill. (House Rule 59)

LETTERS OF SUPPORT AND OPPOSITION

12. (a) Letters of support and opposition must be received in the committee office by 5:00 p.m., on the Thursday preceding the next hearing in order for the letters to be listed within the analysis.

(b) Letters of support and opposition received after the above-mentioned deadline may be listed separate from the analysis and identified as "Late Support and Opposition." Every effort will be made to communicate late support and opposition to members of the committee.

(c) Letters of support and opposition must be received on letterhead that includes name, mailing address and telephone number identifying the organization or individual expressing support or opposition.

SUBCOMMITTEES

13. The Chairman may recommend to the Speaker the creation of subcommittees for the in-depth study of a particular bill or subject matter. Bills may be assigned to the subcommittees as deemed proper by the Chairman. (House Rules 12 and 55)

14. Subcommittees will operate under the same rules as the full Committee. (House Rule 58.5)

EXECUTIVE REORGANIZATION PLANS

15. Executive Reorganization Plans referred to the Committee pursuant to Government Code Sec. 12080 shall be considered in the same manner as a bill.

16. After consideration, and at least 10 days prior to the end of the 60-day period specified in Government Code Sec. 12080.5, the Committee shall forward a report to the Assembly Floor which may include the Committee's recommendation on whether or not to allow the plan to take effect.

17. Possible Committee actions with respect to a reorganization plan include:

- (a) Recommend that the Assembly take no action, thus permitting the plan to take effect.
- (b) Recommend that the Assembly adopt a resolution disapproving of the plan and preventing it from taking effect.
- (c) Make no recommendation. (Government Code Sections 12080(c) and 12080.2 and House Rule 55)

REVIEW OF ADMINISTRATIVE REGULATIONS

18. The Committee may review all proposed administrative rules and regulations contained in the Notice Supplement of the California Administrative Register which pertain to agencies and programs within the scope of the Committee's jurisdiction. (Joint Rule 37.7)

19. The Committee may review each administrative rule or regulation for conformity with the enabling statute and with legislative intent. Rules or regulations that do not appear to be based on statutory authority or that do not appear to be consistent with

legislative intent may be placed on the Committee's agenda for appropriate action. The Committee may also review actions or orders of an administrative agency that would affect more than the internal operations of the agency.

(Joint Rule 37.7 and House Rule 55)

OVERSIGHT

20. The Committee may hold joint oversight hearings with one or more Assembly or Senate Committees on matters within the jurisdiction of the Committee.

21. The Chair may recommend to the Speaker the creation of oversight subcommittees to conduct detailed investigations of the performance and effectiveness of state agencies and programs that come within the scope of the Committee's jurisdiction. Such subcommittees shall make periodic reports to the full Committee on the progress of their oversight activities.

(House Rules 11.5 and 55)

22. Whenever reports submitted by legislative committees or other governmental oversight investigatory entities are referred to the Committee; any legislative recommendations contained therein may be placed on the Committee's agenda for appropriate action.

(House Rules 11.5 and 55 and Joint Rules 36, 37 and 37.3)

MISCELLANEOUS

23. (a) The chair shall not preside at a hearing on a bill if the chair is the sole author or lead author of the bill.

(House Rule 60)

(b) A committee may hear the subject matter of a bill during a recess provided a four-day file notice is given prior to the hearing.

(Joint Rule 60(b))